

3005.5. It is unlawful to capture any game mammal, game bird, nongame bird, nongame mammal, or furbearer, or to possess or confine any live game mammal, game bird, nongame bird, nongame mammal, or furbearer taken from the wild, except as provided by this code or regulations made pursuant thereto. Any bird or mammal possessed or confined in violation of this section shall be seized by the department.

The commission may promulgate regulations permitting the temporary confinement of game mammals, game birds, nongame birds, nongame mammals, or furbearers for the purpose of treating the animals, if injured or diseased.

§679. Possession of Wildlife and Wildlife Rehabilitation.

(a) General Prohibition on Possession of Wildlife. Except as proved in subsection (b) below or as otherwise authorized, it is unlawful for any person to possess any live game mammal or bird, nongame mammal or bird, furbearer, reptile or amphibian.

(b) Temporary Confinement of Wildlife. Except for big game mammals listed in Section 350, Title 14, CCR, injured, diseased or orphaned animals may be temporarily confined by persons if they notify the nearest regional office of the department within forty-eight (48) hours of finding or confining such wildlife. Notification shall include name and address; the species of wildlife and a description of its injury, disease or condition; the date and location the wildlife was found; and the location where the wildlife is confined. Confined animals must be disposed of pursuant to department direction, including placement in a department-approved wildlife rehabilitation facility. (Department offices: Region 1 (Redding), (916) 225-2300, Region 2 (Rancho Cordova), (916) 355-0978, Region 3 (Yountville), (707) 944-5500, Region 4 (Fresno), (209) 222-3761, Region 5 (Long Beach), (310) 590-5132)

(c) Prohibition on Possession of Big Game Mammals or Fully Protected, Threatened or Endangered Species Except Under Department Permit. No person or wildlife rehabilitation facility may possess any big game mammal listed Section 350, Title 14, CCR, or any fully protected, endangered or threatened bird, mammal, fish, reptile or amphibian without specific written authorization from the department.

(d) Prohibition on Picking up Disabled Wildlife in a Department Designated Oil/Toxic Spill Area. No person may enter a department designated oil/toxic spill area for the purpose of picking up disabled wildlife or transport or possess wildlife disabled by an oil spill or other spilled toxic substance unless that person has completed the training required by subsections 817.02(i) and (j), Title 14, CCR, and has authorization from the department. Designated oil/spill areas shall be clearly posted by the department.

(e) Wildlife Rehabilitation Facilities.

(1) Wildlife Rehabilitation Facility Defined. For the purposes of these regulations, a wildlife rehabilitation facility is defined as a site where activities are undertaken to restore to a condition of good health, for the purpose of release to the wild, animals occurring naturally and not normally domesticated in this state.

(2) Approval of Wildlife Rehabilitation Facility. The department may approve and issue a permit in the form of a Memorandum of Understanding to only those wildlife rehabilitation facilities which meet the wildlife care standards set forth in the 1993 Wildlife Rehabilitation Minimum Standards and Accreditation Program manual published jointly by the International Wildlife Rehabilitation Council and the National

Wildlife Rehabilitators Association. The above wildlife care standards are hereby adopted and made a part of this Title 14 and shall be included as part of DEPARTMENT OF FISH AND GAME MANUAL 679 (5/94) - WILDLIFE REHABILITATION AND CARE STANDARDS, which is incorporated by reference herein. This manual shall be made available to all permittees and other interested individuals. Existing wildlife rehabilitation facilities not meeting these standards will not be permitted to rehabilitate wildlife after June 6, 1997. New facilities must comply with the standards upon the effective date of these regulations.

(f) Provisions Related to the Operation of a Wildlife Rehabilitation Facility.

(1) Responsibility for Costs Incurred. The operator of a wildlife rehabilitation facility shall be reasonable for any and all costs incurred in connection with the treatment, confinement or transportation of wildlife.

(2) Liability. The operator of a wildlife rehabilitation facility shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses occurring or resulting to any person or property in connection with the treatment, confinement or transportation of wildlife.

(3) Restrictions Related to Holding Wildlife. Wildlife temporarily held for rehabilitation must be maintained separate from facilities housing domestic animals and shall not be displayed to the public. Such wildlife shall have minimal direct human contact. Every effort shall be made to prevent imprinting.

(4) Department Approval Requirement for Release of Wildlife Back into the Wild. Rehabilitated wildlife may be released back into the wild only as directed by the department. All mammals and raptors shall be marked with bands or tags provided by the department (see "BANDING, TAGGING, MARKING" in Wildlife Rehabilitation and Care Standards Manual.) If any animal cannot be released, it shall be transferred to a zoological garden, museum, college, university or other educational/research institution or wildlife exhibitor. If it cannot be released or transferred, it shall be humanely euthanized. These regulations do not authorize any person, facility or organization to accept, possess or relocate nuisance wildlife. Any healthy wildlife trapped in towns or cities or removed from under buildings or otherwise taken or trapped because of human/animal conflict shall be immediately released in the area where trapped or disposed of as directed or authorized by the department. Any such wildlife that has been determined by a veterinarian to be so seriously ill that it cannot be treated shall be euthanized and tested as directed by the appropriate county public health agency or the department.

(5) Notification Requirement for Dead or Diseased Animals. The operator of a wildlife rehabilitation facility shall notify the nearest department region office within twenty-four (24) hours if any animal dies of a disease specified in the facility's permit or is suspected to have died from one of those diseases and shall make the dead animal available for delivery to the department or other facility as directed by the department.

(6) Written Record Requirement. The operator of a wildlife rehabilitation facility shall maintain a written record for each animal being cared for. This record shall include the name and address of the person finding the animal, the location where the animal was found, a description of its condition and treatment, the dates it was received and transferred from the facility and the location of its final disposition.

(7) Availability of Records. The operator of a wildlife rehabilitation facility shall make all records, wildlife being rehabilitated and any materials used for the confinement, treatment, or care of wildlife, available for inspection by department employees or employees of the Department of Food and Agriculture or Department of Health Services or any other person authorized to enforce these regulations.

(g) Compliance With Other Restrictions. These regulations, or any permit issued pursuant thereto, do not authorize possession of any wild animal in violation of any other Federal, state, city, or county law, ordinance or regulation, including but not limited to any California Department of Health Services Rabies Control regulations.

NOTE Authority cited: Sections 200, 2000, 3005.5, 3800 and 4150, Fish and Game Code. Reference: Sections 200, 1008, 2000, 2001, 3005.5, 3511, 3800, 4150, 4190 and 4800, Fish and Game Code; and Section 8670.61.5, Government Code.

HISTORY

1. New section filed 8-8-94; operative 9-7-94 (Register 94, No. 32).